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## **New documents show Cuomo administration resistance to EPA warnings on Hoosick Falls**

Aggressive resistance to federal regulators.

By [Scott Waldman](#)

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ALBANY— While the Cuomo administration has been extensively criticized for its slow reaction to the unfolding Hoosick Falls water pollution crisis, a new trove of emails and meeting notes shows how top state Department of Health officials actively dismissed the Obama administration's increasingly dire warnings and recommended safe consumption levels.

The Cuomo administration resisted sounding a public alarm even though federal regulators warned senior health department officials that people in Hoosick Falls should be alerted they were drinking water that contained dangerous levels of a chemical linked to cancer and other serious health problems, according to documents recently obtained by POLITICO New York through a Freedom of Information Request.

Among other points of contention, health department employees dismissed an advisory limit for human consumption of PFOA set by the federal Environmental Protection Agency, and argued that their differences with the federal authorities were a matter of "philosophy" and not just science, according to a senior EPA official's handwritten notes from a phone conference with state officials. In November, Paul Francis, Gov. Andrew Cuomo's deputy secretary for health and human services, requested a call with EPA officials who had raised concerns that the water pollution was at a dangerous level, the newly obtained records show. State health department officials told federal regulators they had been involved in monitoring the Hoosick Falls PFOA pollution for a year and said they did not want to go public with a major alert.

“We agree we don’t want to alarm people,” Dr. Nathan Graber, director of the state Department of Health’s Center for Environmental Health, said to senior Environmental Protection Agency officials on the call, according to notes taken by EPA Region 2 Administrator Judith Enck.

POLITICO has previously reported that the state waited more than a year to make a significant intervention in Hoosick Falls, despite knowing that PFOA levels in the public water supply exceeded federal guidance. It has also been reported that the state health department indicated to residents that their water was safe to drink even though federal regulators claimed otherwise. The new documents indicate that the state didn't just react more slowly than the federal authorities, but actively disputed the concerns of the EPA officials.

The documents, obtained by POLITICO through a Freedom of Information request filed with the federal Environmental Protection Agency in January, contain previously unreleased material including emails, meeting notes and records from phone calls. As the severity of the crisis came into clearer focus, the state health department still declined to take the lead in Hoosick Falls, preferring to leave it to village officials privately negotiating with St. Gobain, the owner of the factory the state later determined had been responsible for the pollution, emails show. State officials were aware that those negotiations did not include private wells, dozens of which have since tested positive for elevated levels of the chemical, the records show. In addition, as the Albany Times Union has reported, St. Gobain funded an attorney representing Hoosick Falls and village officials deferred to the company during those negotiations.

After the November phone call, EPA officials grew increasingly worried that the Cuomo administration was failing to properly protect the citizens of Hoosick Falls.

“We need the state health department to focus on the water supply issues fast...State health dept seems to be relying on negotiations between the mayor and the company,” Enck wrote in a November 13 email to colleagues. “There is a clear need for regulatory oversight by either the state or epa or both.”

A health department spokesman, who would only speak on background, said the state and EPA worked with St. Gobain and the village to quickly find a solution to pollution problem by providing bottled water and a water treatment system. Not long after the November phone call with Francis, the EPA took a more aggressive stance in Hoosick Falls despite weeks of resistance from state officials. The EPA warned residents against drinking their water in late November.

In early December, in defense of the state's reaction to Hoosick Falls, Kenneth Bogdan, the state health department's chemical risk assessor, told EPA officials that the administration's "professional judgment and risk assessment reflects philosophy, not science," according to the handwritten notes Enck took of the phone call. After public outcry, the state then changed its position that the water was safe and advised residents against consuming their water.

The state health department spokesman, on background, said the state's response was science-based and follows "a valid, standard and accepted approach which is consistent with the approach used by EPA." Earlier this month, after years of study, the EPA determined that a PFOA limit of 70 parts per trillion in water was a safe level. For years, the EPA recommended level was 400 parts per trillion, even though many states had lower recommended levels than that. New York officials used the guidance of 50,000 parts per trillion and told EPA officials they "don't prioritize non-listed chemicals."

PFOA, or perfluorooctanoic acid, is used in the manufacturing of nonstick goods including carpeting, clothing, furniture and food packaging. The chemical has been linked to cancers, thyroid issues and other serious health problems in humans. Even after being told by the EPA that 400 parts per trillion was a key cut-off point, Graber said the state would not use it as a guideline. "We don't look at 400 as a dividing line," he said in a December 7 phone call with Enck, according to the call notes obtained by POLITICO. A health department spokesman, on background, said the state was acting on the belief that the EPA sets health advisory levels at levels far lower than a level expected to cause health effects. "There's a margin of safety that's built into the health advisories," he said.

By the time of the December phone call, state officials had known for months that the public water supply in the village of 2,000 people tested at 600 parts per trillion, far above federal safety limits. In fact, as POLITICO previously reported, administration officials sought to shield the public from findings of the high water pollution rates, going so far as to suggest a delay in reporting the high amounts in public documents. The newly obtained documents reveal that late last year, residents concerned about their private wells walked away from public meetings with DOH officials believing that they could request water testing. But the state Department of Health put off many of those concerned residents and tested the wells nearest the St. Gobain facility, according to a January 21 email from John DiMartino, an EPA remedial project manager.

A state official googled the address of callers and told them they were not immediately eligible for testing if they did not live in close proximity to the St. Gobain facility, according to the emails. An EPA official who tried the state health department number listed as a contact on documents handed out at public meetings said that no one picked up the line, and that there was no voicemail to leave a message. Many residents were brushed off by state health department officials who said they were limited from testing by time and funding constraints, according to the email from DiMartino, the EPA project manager. "More often than not, the person lives too far from the area they are focusing on right now to warrant an immediate sampling. so [DOH Public Health Engineer Tim Vickerson] tells them to be patient and thanks for their time and understanding and that he will be in contact with them in the future as they collect data," DiMartino wrote.

Subsequent testing has proven that many private wells miles away from the St. Gobain facility tested positive for high levels of PFOA, likely from illegal dumping. The state significantly expanded its testing and funding for installation of private systems only after students from the Hoosick Falls school district held a press conference to ask Gov. Andrew Cuomo for help. The emails also reveal, for the first time, that the village dump is another significant source of PFOA. Hoosick Falls' manufacturing waste was thrown into the town dump for years, which is surrounded by homes and located next to the Hoosic River, a consultant hired by the village notified the state Department of Health in January.

"The waste from all of the manufacturing in the village went to the 'dump'. Although the landfill was decommissioned and capped several years ago all of the potential PFOA rich leachate goes to the treatment plant and eventually out to the Hoosic River. it may be alarmingly high and we need to get at least a baseline level," MRB Engineering Group consultant David Lukas wrote in a January 15 email to the health department's Vickerson. The state conducted testing at the dump in March, and did find levels that exceeded federal safety limits, the state Department of Environmental Conservation confirmed this week. The river did not test at a high level. The DEC would not release those numbers or explain its mitigation plan, citing its ongoing Superfund investigation of the pollution.

"River samples were well below federal guidance values, and samples collected from the landfill included varying results with some samples showing elevated levels of PFOA above federal guidance values," DEC spokesman Sean Mahar said in a statement. The Cuomo administration has vehemently denied any failures in its response to the Hoosick Falls crisis, and Cuomo has repeatedly praised his administration's "aggressive" response to solving the dire situation and has faulted the EPA for establishing a safety limit for PFOA consumption.

The administration has also been resistant to attempts by state lawmakers to hold hearings to examine the state's response to the Hoosick Falls crisis, which lawmakers said would ensure no similar situations ever happened again. Hearings planned by the Democratic Assembly majority were never scheduled after the state budget negotiations. GOP U.S. Rep. Chris Gibson of Kinderhook has called for federal hearings, but they have yet to be scheduled.